

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IRIS KITCHEN,

Plaintiff,

vs.

DEVELOPMENTAL SERVICES OF  
NEBRASKA, INC., AUTISM CENTER OF  
NEBRASKA, INC., OMNI BEHAVIORAL  
HEALTH, and ANGELA MITCHELL,

Defendants.

8:20CV08

**ORDER**

This matter is before the Court on Plaintiff's requests to "cancel" summons issued as to defendant Angela Mitchell ([Filing No. 38](#)) and for an extension of time to serve defendant Mitchell ([Filing No. 39](#)). Plaintiff asks that the clerk issue new summons for defendant Mitchell so that Plaintiff can accomplish service herself, as Plaintiff believes the United States Marshal (USM) is taking too long to accomplish service. Due to COVID-19, and not by any fault of the USM or Plaintiff, service of defendant Mitchell has taken longer than usual. Additionally, the Court has been informed that personal service was attempted by the USM but was unsuccessful. On August 12, 2020, the USM sent summons to defendant Mitchell by certified mail. Under the circumstances, the Court finds good cause to extend the deadline for service of process upon defendant Mitchell. See Fed. R. Civ. P. 4(m). If the USM's attempt to serve defendant Mitchell by certified mail is unsuccessful, Plaintiff may request new summons be issued; however, the clerk will not issue new summons to Plaintiff until the previously issued summons are returned unexecuted. Accordingly,

**IT IS ORDERED:**

1. Plaintiff's requests to "cancel" summons issued as to defendant Angela Mitchell ([Filing No. 38](#)) is denied.
2. Plaintiff's request for an extension of time to serve defendant Angela Mitchell ([Filing No. 39](#)) is granted. Plaintiff is granted an additional 90-days from the date of this order to complete service of process upon the defendant Angela Mitchell.

Dated this 14<sup>th</sup> day of August, 2020.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge